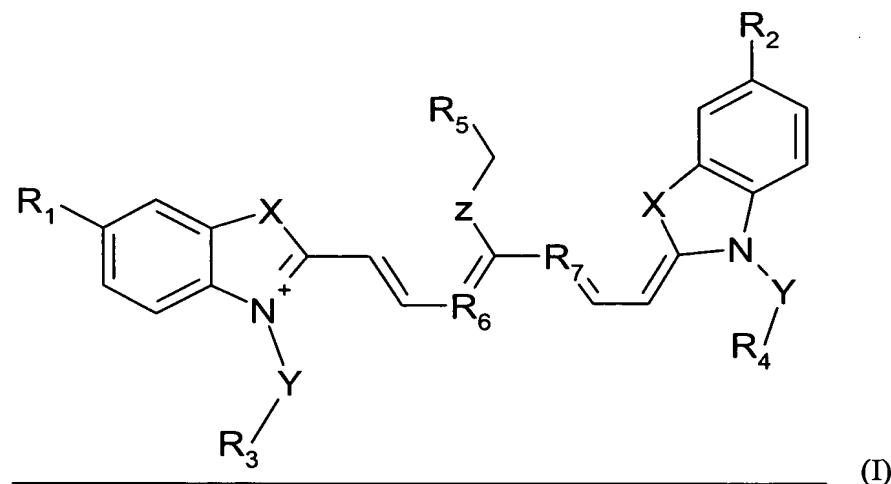
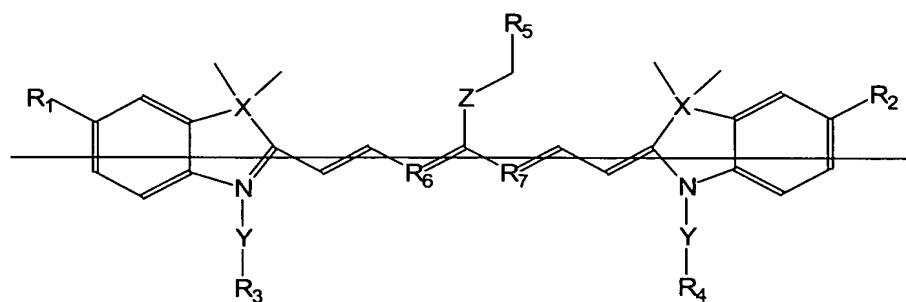


This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended)

An indotricarbocyanine dye of general An indotricarbocyanine
dye of formula (I),



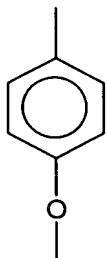
in which

X is O, S or C, wherein, when X is C, it that is substituted twice in two places by,
~~whereby the substituents can be selected from methyl, ethyl, propyl, isopropyl~~

and/or butyl,

Y is CH₂-CH₂ or CH₂-CH₂-CH₂,

Z is C₁ to C₅ alkyl, whereby the wherein one or more C atoms are optionally replaced substituted by O or S, or is

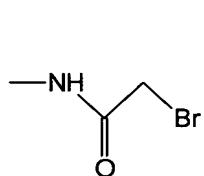


which is bound by an ethylene or a methylene bridge to R₅,

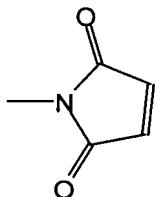
R₁ to R₄ are, independently of one another, are SO₃H or H, with the proviso that at least three of R₁ to R₄ are SO₃H,

R₅ is COOH, NH₂, -CO-NH-R₈-R₉, -NH-CS-NH-R₈-R₉ or -NH-CO-R₈-R₉, in which R₈ is selected from the group that consists of an unbranched C₂-C₁₃ alkyl, in which C atoms are optionally replaced by O or S, and

R₉ is selected from



or



or chloroacetyl,

bromoacetyl, iodoacetyl, chloroacetamido, iodoacetamido, chloroalkyl, bromoalkyl, iodoalkyl, pyridyl disulfide or and vinyl sulfonamide, and in which

R₆ and R₇ are CH or are connected together by a C₃-alkylene group to form a cyclohexyl to-a hexyl ring by a C₃-alkyl, which optionally can be substituted in para-position with a C₁ to C₄-alkyl radical,

~~or a salt thereof and salts and solvates of this compound.~~

2. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

dye according to claim 1, in which

Y is CH₂-CH₂,

Z is C₁ to C₅ alkyl, ~~whereby the wherein one or more~~ C atoms are optionally replaced ~~substituted~~ by O or S, and

in which R₆ and R₇ are CH,

~~or a salt thereof and salts and solvates of this compound.~~

3. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

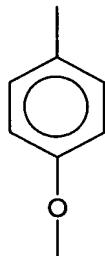
dye according to claim 1, in which

Z is C₁-C₅ alkyl.

4. (Currently Amended) Indotricarbocyanine An indotricarbocyanine dye according

to claim 1, in which

Z is



which is bound by an ethylene or a methylene bridge to R₅,

and R₆ and R₇ are connected together by a C₁-alkylene group to form a cyclohexyl to a hexyl ring
by a C₃-alkyl.

5. (Withdrawn and Currently Amended)

Indotricarbocyanine An indotricarbocyanine

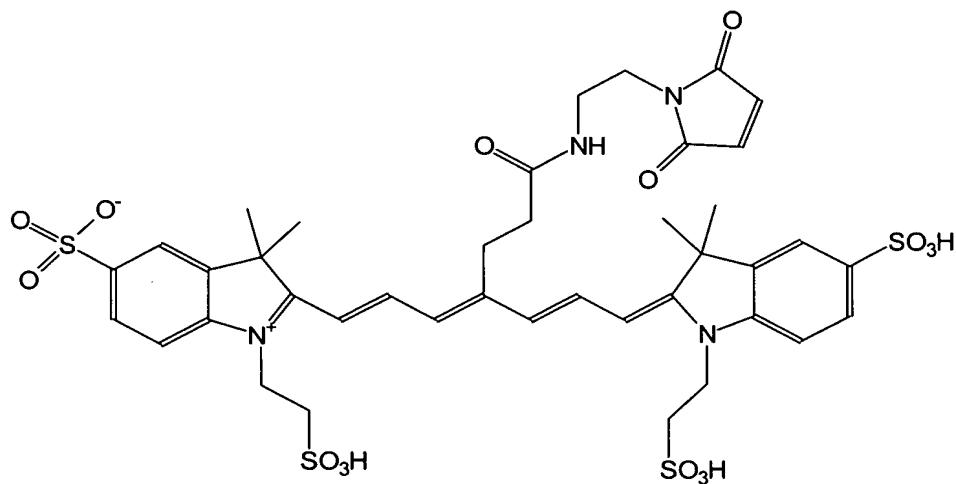
dye according to claim 1, in which

R₅ is COOH or NH₂.

6. (Currently Amended)

Indotricarbocyanine An indotricarbocyanine dye according

to claim 40 3 of formula (II)

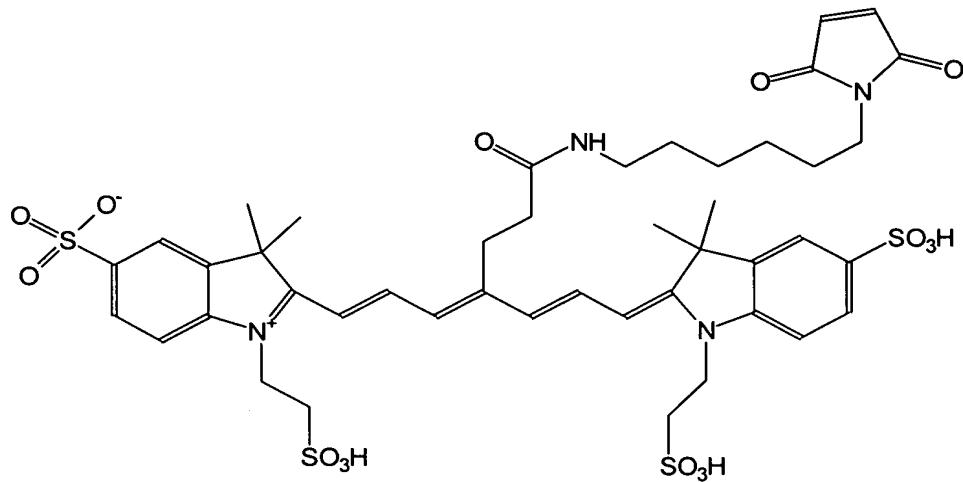


or a salt thereof and salts and solvates of this compound.

7. (Currently Amended)

Indotricarbocyanine An indotricarbocyanine dye according

to claim 40 3 of formula (III)

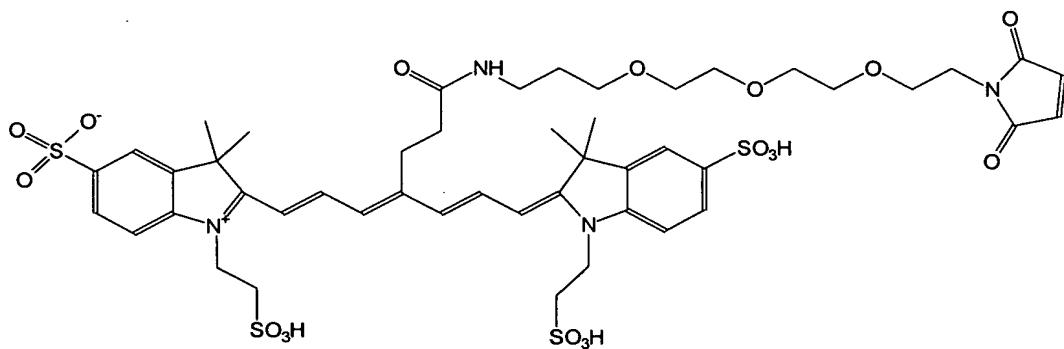


or a salt thereof and salts and solvates of this compound.

8. (Withdrawn and Currently Amended)

Indotricarbocyanine An indotricarbocyanine

dye according to claim 3 of formula (IV)

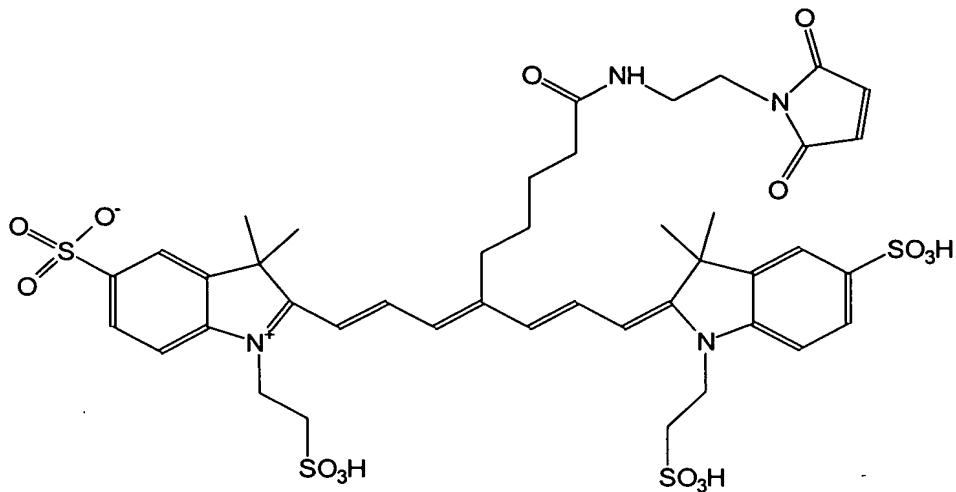


or a salt thereof and salts and solvates of this compound.

9. (Currently Amended)

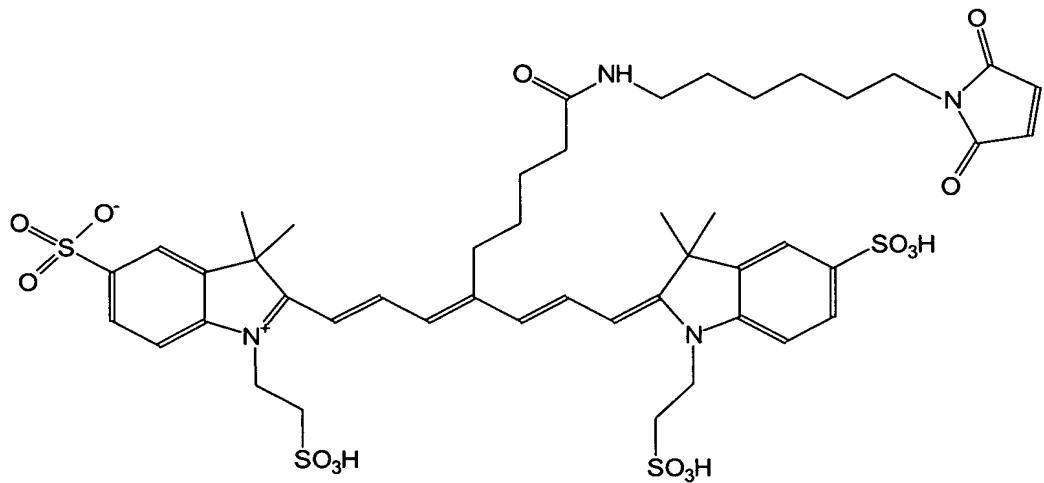
Indotricarbocyanine An indotricarbocyanine dye according

to claim 40 3 of formula (V)



or a salt thereof and salts and solvates of this compound.

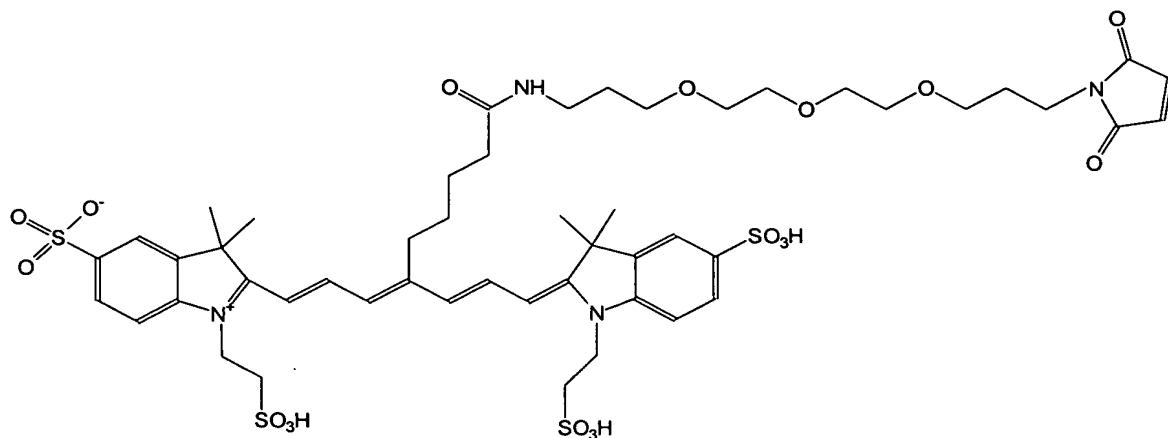
10. (Currently Amended) **Indotricarbocyanine** An indotricarbocyanine dye according to claim 40 3 of formula (VI)



or a salt thereof and salts and solvates of this compound.

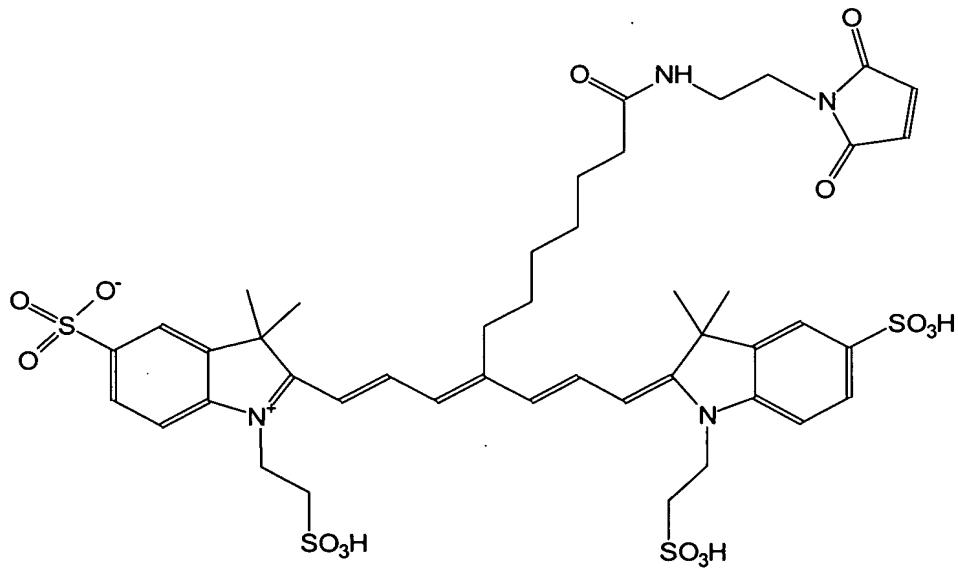
11. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

dye according to claim 3 of formula (VII)



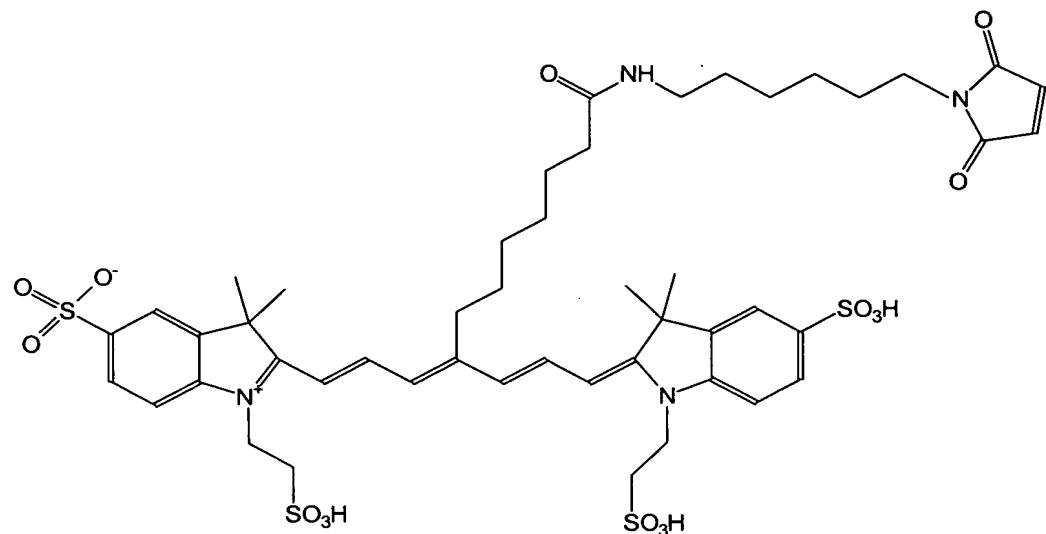
or a salt thereof and salts and solvates of this compound.

12. (Currently Amended) Indotricarbocyanine An indotricarbocyanine dye according to claim 40 3 of formula (VIII)



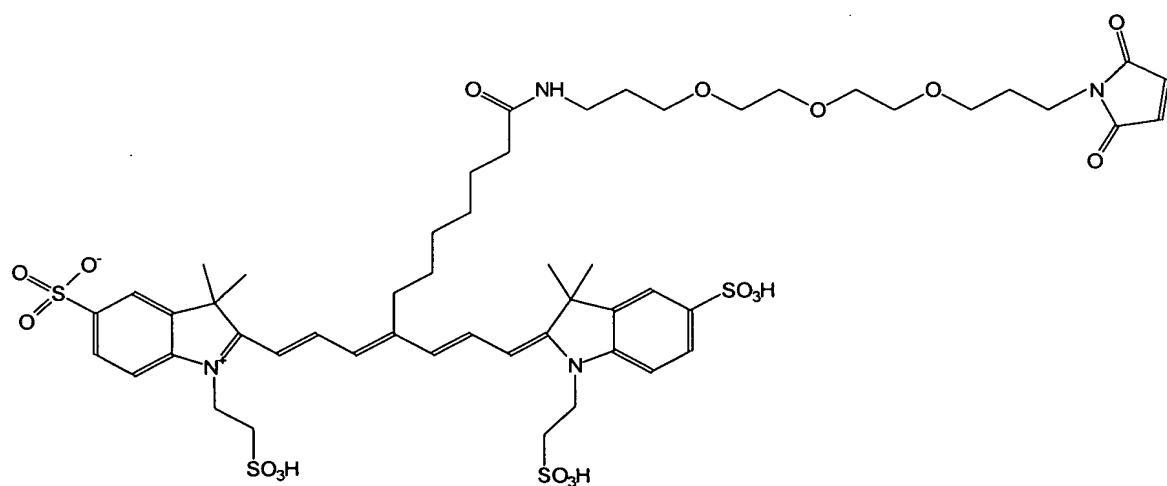
or a salt thereof and salts and solvates of this compound.

13. (Currently Amended) Indotricarbocyanine An indotricarbocyanine dye according to claim 40 3 of formula (IX)



or a salt thereof and salts and solvates of this compound.

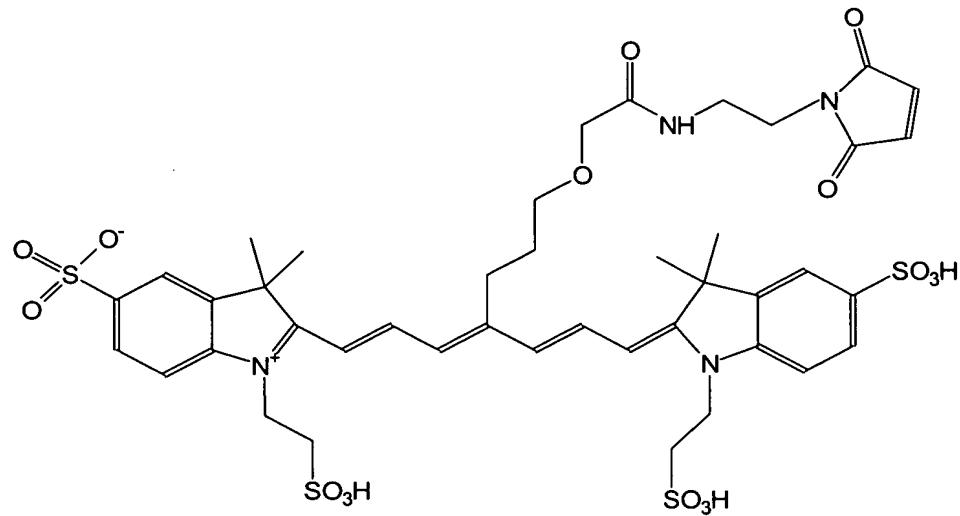
14. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine dye according to claim 3 of formula (X)



or a salt thereof and salts and solvates of this compound.

15. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

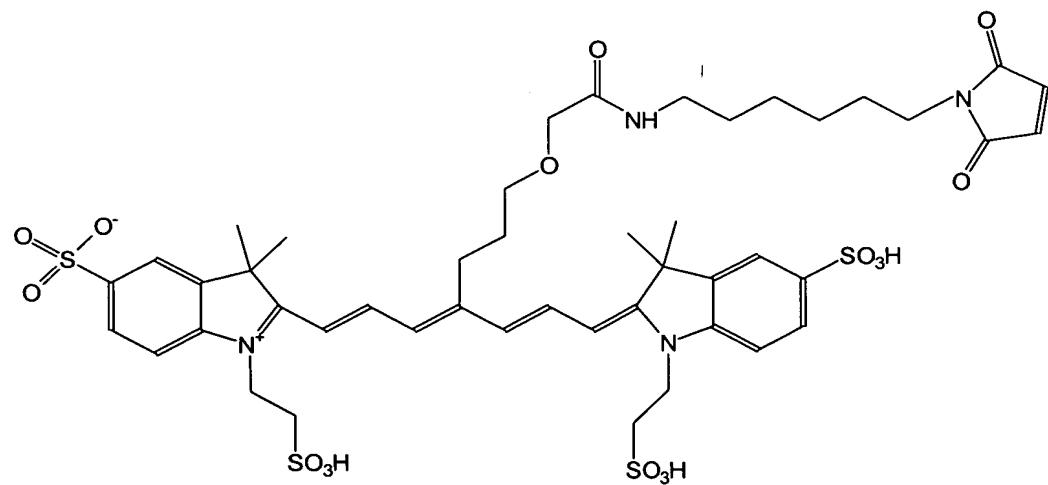
dye according to claim 2 of formula (XI)



or a salt thereof and salts and solvates of this compound.

16. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

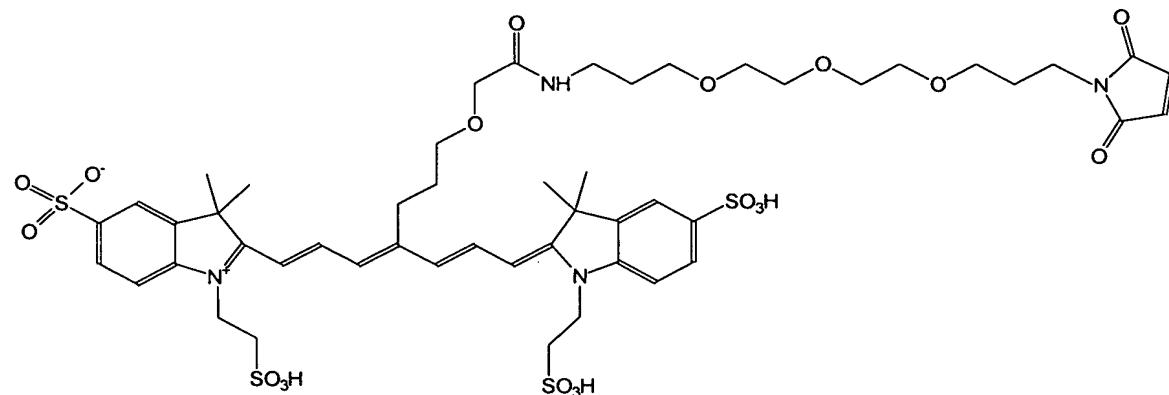
dye according to claim 2 of formula (XII)



or a salt thereof and salts and solvates of this compound.

17. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

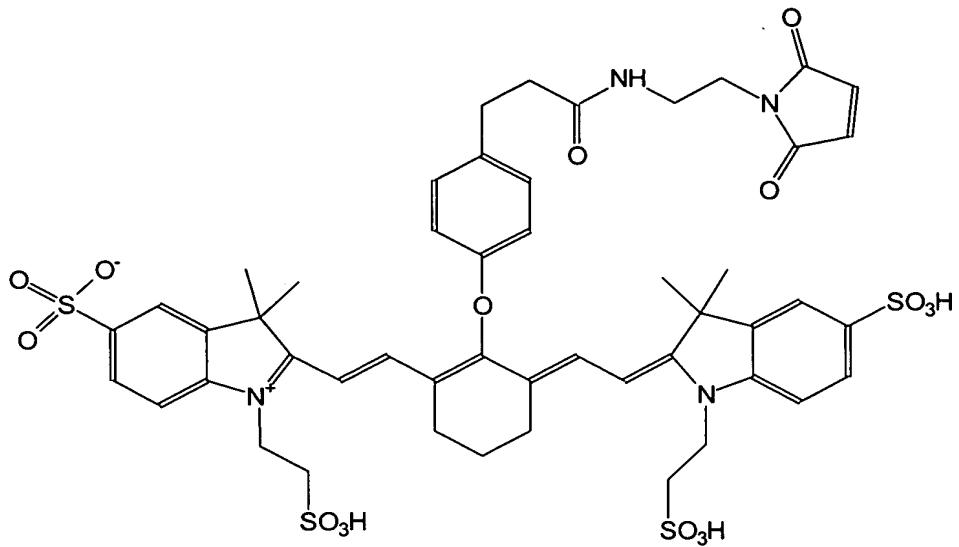
dye according to claim 2 of formula (XIII)



or a salt thereof and salts and solvates of this compound.

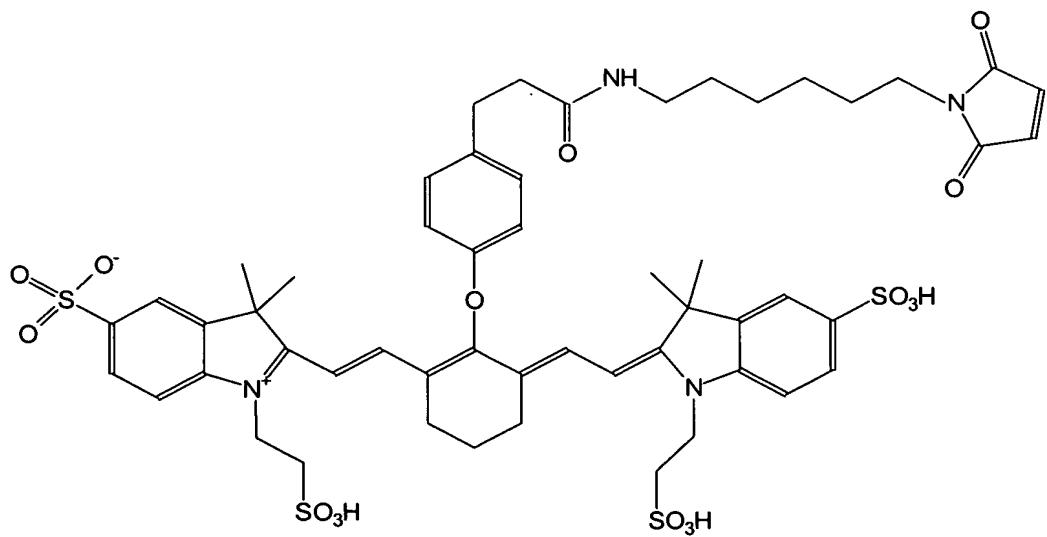
18. (Currently Amended) Indotricarbocyanine An indotricarbocyanine dye according

to claim 4 of formula (XIV)



or a salt thereof and salts and solvates of this compound.

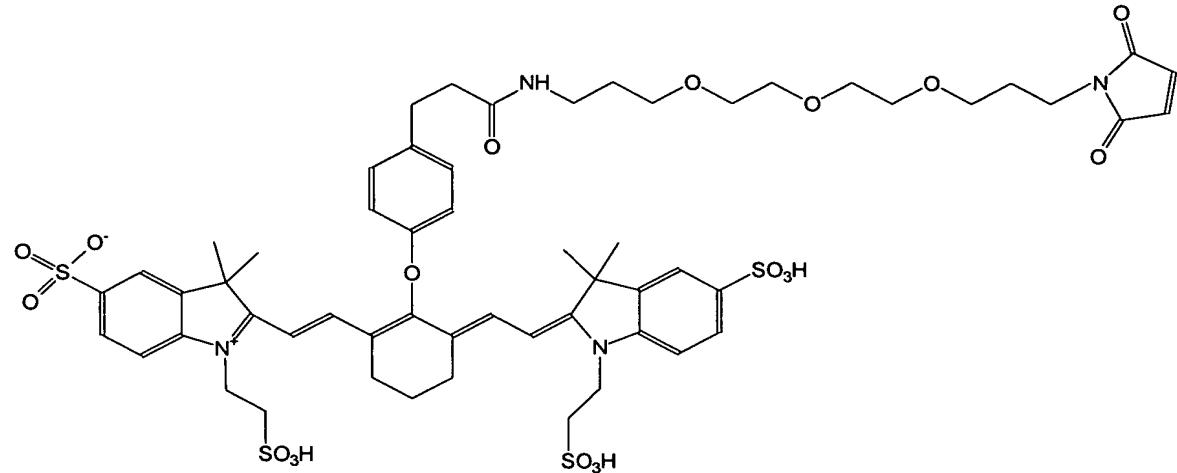
19. (Currently Amended) **Indotricarbocyanine** An indotricarbocyanine dye according
to claim 4 of formula (XV)



or a salt thereof and salts and solvates of this compound.

20. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

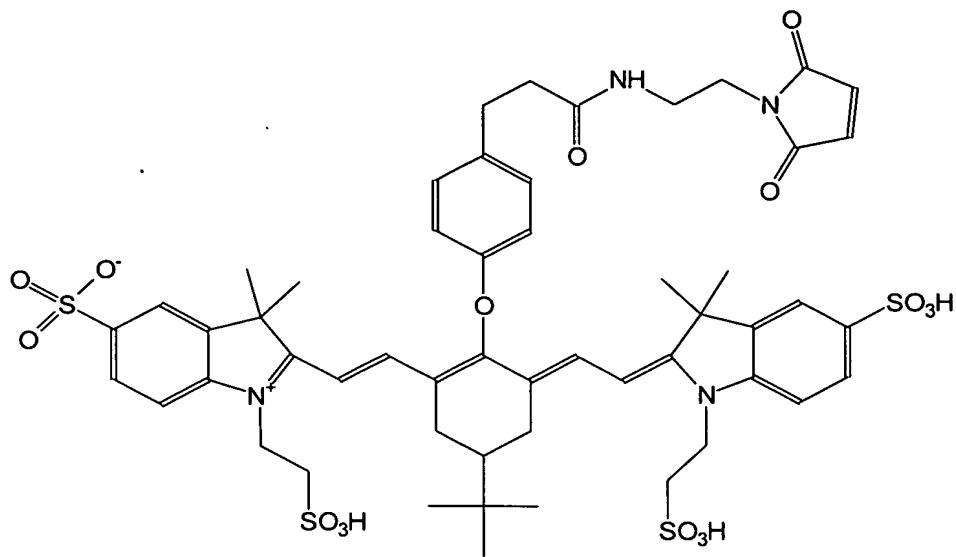
dye according to claim 4 of formula (XVI)



or a salt thereof and salts and solvates of this compound.

21. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

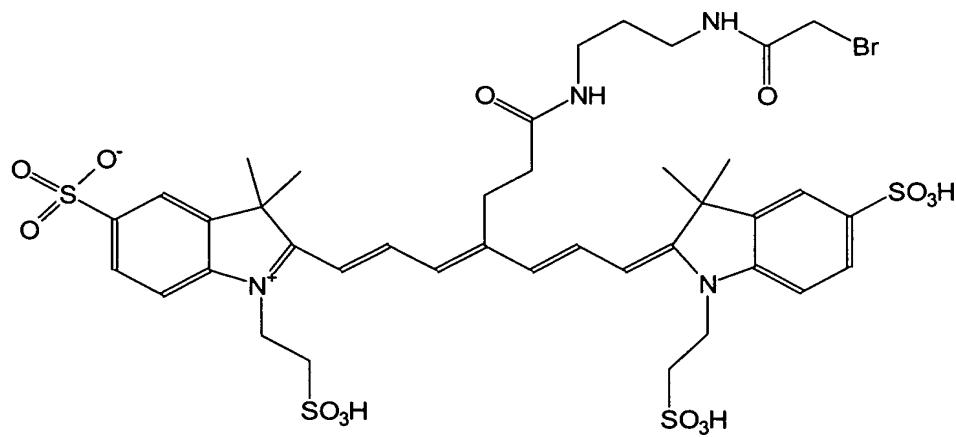
dye according to claim 4 of formula (XVII)



or a salt thereof and salts and solvates of this compound.

22. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

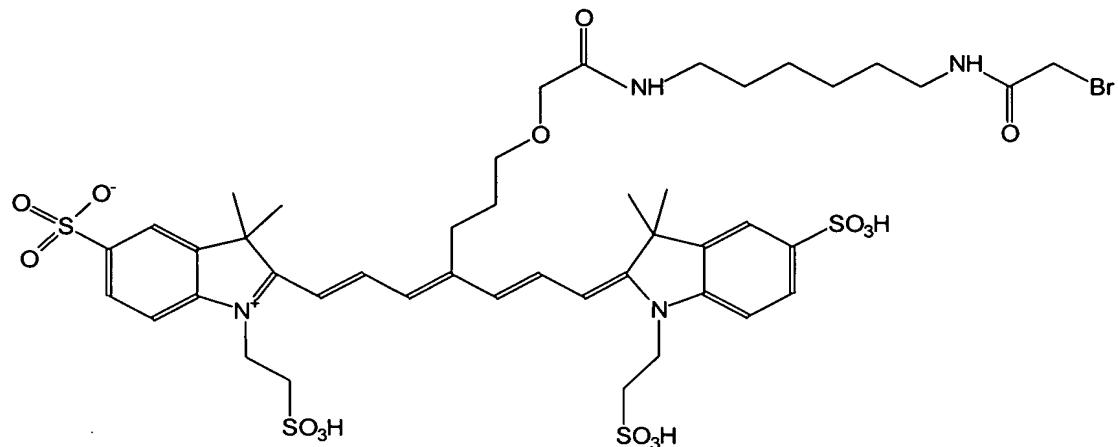
dye according to claim 3 of formula (XVIII)



or a salt thereof and salts and solvates of this compound.

23. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

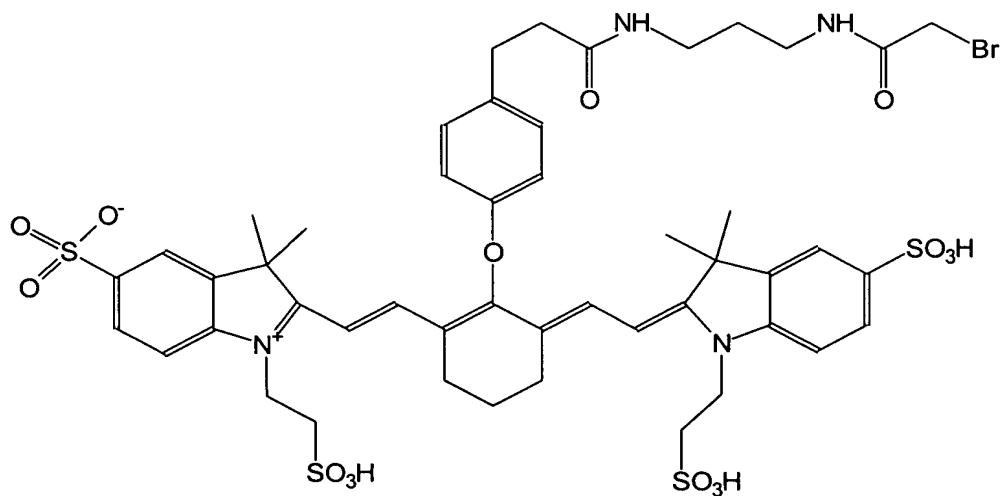
dye according to claim 2 of formula (XIX)



or a salt thereof and salts and solvates of this compound.

24. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

dye according to claim 4 of formula (XX)



or a salt thereof and salts and solvates of this compound.

25. (Withdrawn and Currently Amended) A process for preparing Process for the

production of an indotricarbocyanine dye according to claim 1, comprising

- a) Preparation of one or more preparing a 4-substituted pyridine pyridines,
- b) Conversion of one or more converting the 4-substituted pyridine pyridines in a meso-substituted glutaconaldehyde-dianilide glutaconaldehyde-dianilides as precursors into a cyanine dye by a dyes, by means of the Zincke-König reaction, and
- c) Obtaining the obtaining a meso-substituted glutaconaldehyde-dianilide as precursors to cyanine dyes.

26-32. (Cancelled)

33. (Withdrawn and Currently Amended) Diagnostic kit, A diagnostic kit comprising an indotricarbocyanine dye according to claim 1 and/or a conjugate produced by coupling said indotricarbocyanine dye with a biomolecule, together with an adjuvant that is suitable additional adjuvants for implementing an *in-vivo* diagnosis of a tumor, in particular, tumors.

34. (Cancelled)

35. (New) A solvate of a compound of claim 1, which comprises a compound of formula I in combination with a solvent molecule.

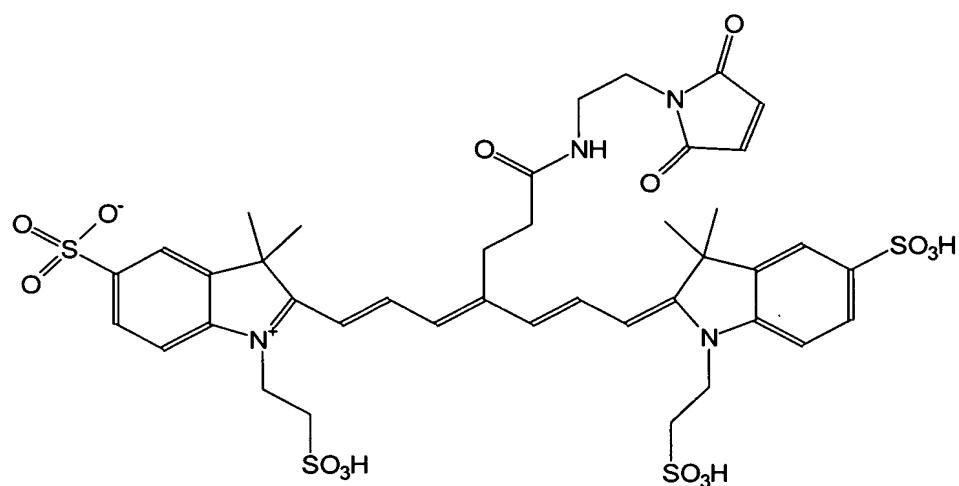
36. (New) An indotricarbocyanine dye according to claim 1, wherein X is C.

37. (New) An indotricarbocyanine dye according to claim 1, wherein X is C and is substituted in two places by methyl.

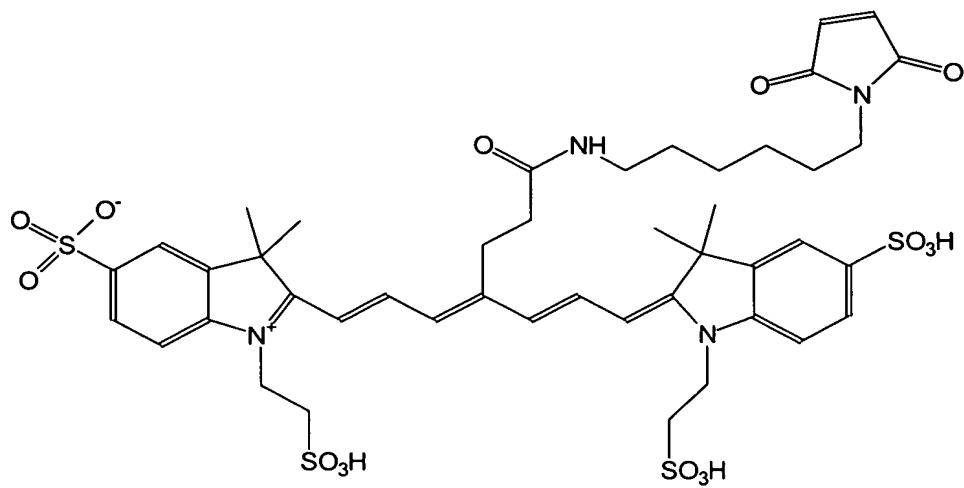
38. (New) An indotricarbocyanine dye according to claim 1, wherein Z is C₁ to C₅ alkyl.

39. (New) An indotricarbocyanine dye according to claim 1, wherein Z is C₁ to C₅ alkyl in which one or more C atoms are replaced by O.

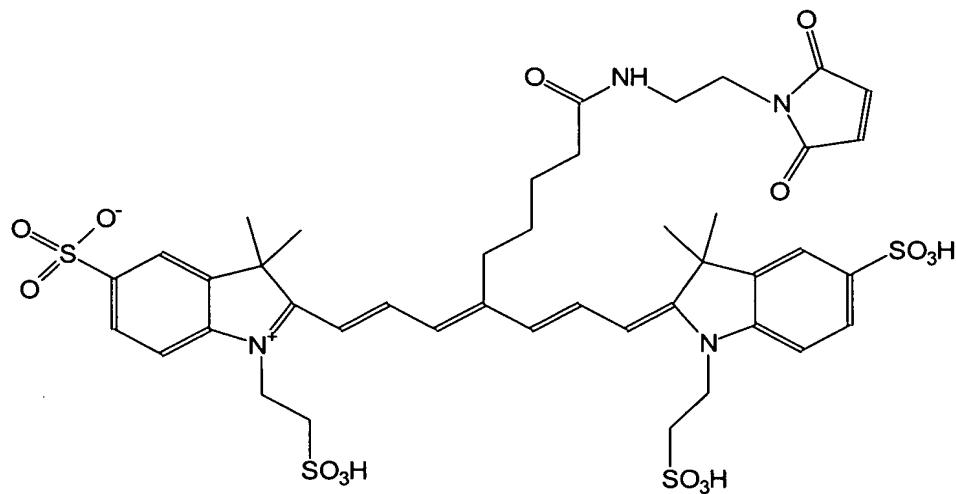
40. (New) An indotricarbocyanine dye of formula (II)



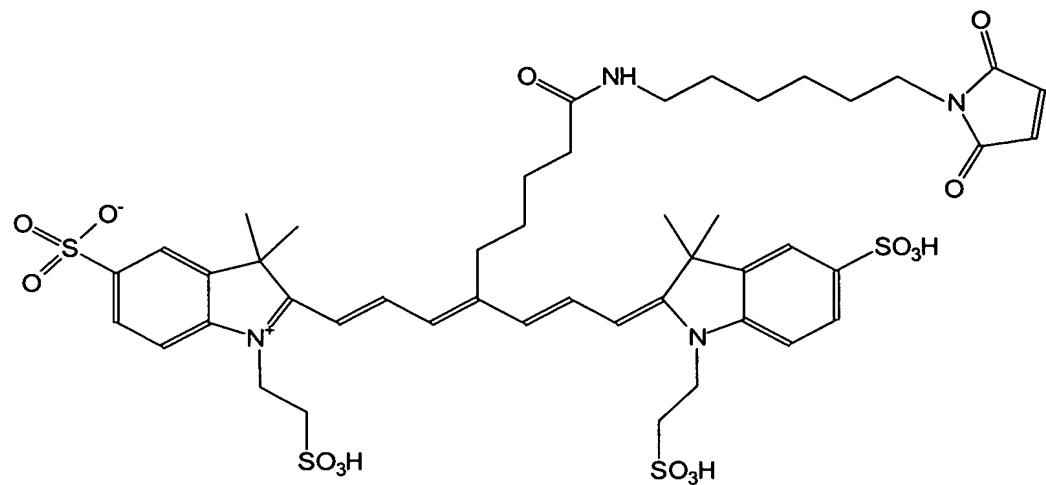
or of formula (III)



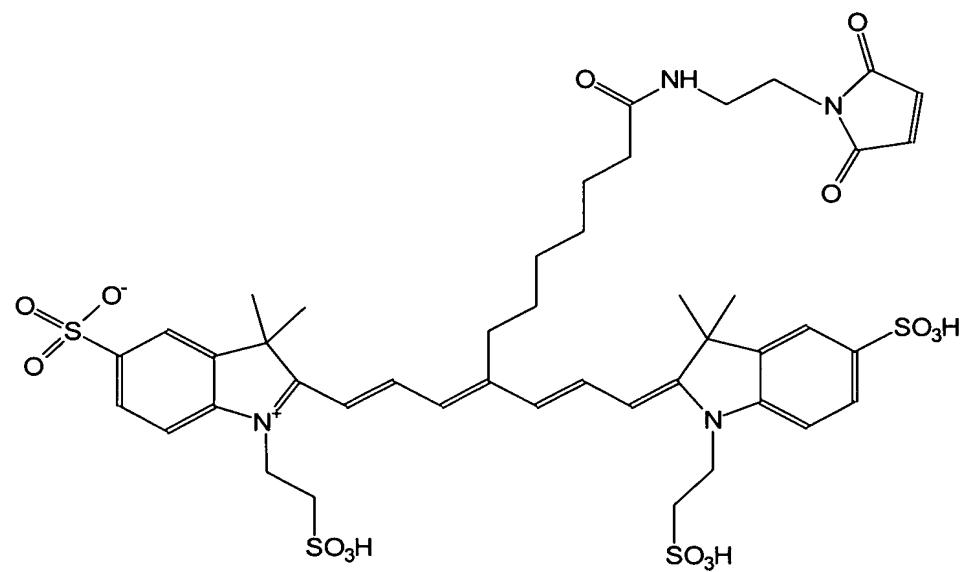
or of formula (V)



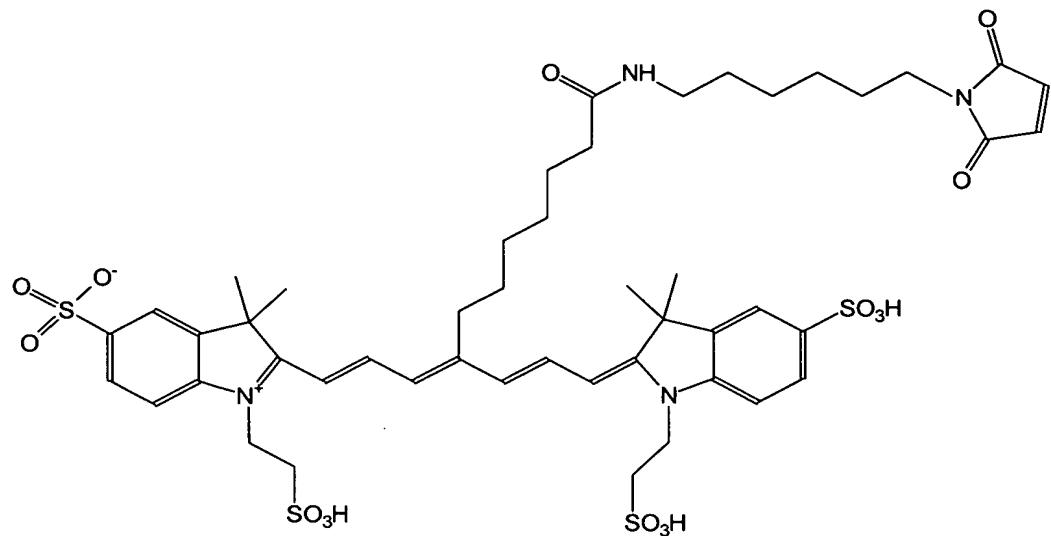
or of formula (VI)



or of formula (VIII)



or of formula (IX)



or a salt thereof.

42. (New) A solvate of a compound of claim 41, which comprises a compound of formula II, III, V, VI, VIII or IX in combination with a solvent molecule.